

**TOWN OF GUILDERLAND  
PLANNING BOARD  
November 9, 2011**

Minutes of meeting held Guilderland Town Hall, Route 20, Guilderland, NY 12084 at 7:30 P.M.

PRESENT: Stephen Feeney, Chairman  
James Cohen  
Thomas Robert  
Michael Cleary  
Theresa Coburn  
Paul Caputo

Richard Sherwood for Linda Clark  
Jan Weston, Planning Administrator

ABSENT: Linda Clark, Counsel

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Chairman Feeney called the meeting to order at 7:30 p.m. He noted the exits for the sake of the audience in the event they were needed.

Chairman Feeney asked for a motion to approve the minutes of October 12, 2011 minutes with a few minor corrections, so moved by Terry Coburn, seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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**GIARDINA – 3131 OLD STATE ROAD**

Chairman Feeney announced that this was a public hearing on the final plat of a proposed 4 lot subdivision of 4.7 acres. Zoned R-15. Nick Costa presenting

Richard Sherwood, Counsel, read the Legal Notice as follows:

The case of the Bernadette Giardina will be heard on Wednesday, November 9, 2011 at 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York 12084 for the purpose of obtaining final plat approval for an unnamed subdivision.

Such subdivision is proposed as four lots cut from 4.7 acres.

The general location of the site is at 3131 Old State Road.

The property is zoned: R-15.

Tax Map # 27.20-1-1

Plans are open for inspection, by appointment, at the Planning Department during

normal business hours.

Dated: October 18, 2011

Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Giardina - 3131 Old State Road

The applicant has applied for final plat approval for this 4-lot subdivision of 4.7 acres. There is an existing house with three additional building lots, two of which are keyhole lots. I have the following comments:

- All lots have access to public water and sewer and all exceed the minimum 15,000 sq. ft. minimum lot size.
- There are no sight distance issues and the two keyhole lots will share a joint curb cut.
- There is a 30 ft. wide sliver of land that will be merged with the property at 401 Vincent Drive to serve as an additional buffer to those properties.
- An SWPPP has been approved.
- The grading and clearing plan calls for the existing sand dune to remain undisturbed. However, some kind of deed restriction or conservation easement should be considered to formalize this protection.

No objection to final approval.

Nick Costa presenting: The parcel is 4.7 acres in size and the parcel does have an existing house and driveway and would like to propose three more addition lots. Two of the lots are keyhole lots. The lots all meet the zoning requirements and there is an existing infrastructure on Old State Road to provide water and sanitary sewer service to all of the lots. The stormwater system has been designed to comply with the NYS DEC requirements for stormwater management. They will be kept on site. There will be one new driveway that will service lot #3 and will be noted on the plans and then there will be a shared driveway that will service lot #2 and lot #4.

The plan has been laid out to work with the environmental conditions of the site and there is an existing sand dune that will not be disturbed.

Michael Cleary wanted to know if there is going to be a conservation easement or some kind of a deed restriction.

Mr. Costa explained that what we discussed is that we would like to look into some form of restriction.

Michael Cleary added that we would need something that is going to be enforceable for the town.

Mr. Costa will discuss that with the Attorney to receive legal advice and how to implement that concern.

Chairman stated: A concern of ours is about the sand dune on lot 1. Aside from the legal instrument that's used to create the restriction, there needs to be some identification of the area, and how would you mark it so that it is identifiable?

Mr. Costa said that will be done.

Chairman added: What we were thinking of is no disturbance of the hill, no excavation, and no placing of the buildings or structures there. I have some concern about doing it by just a deed restriction because we do not have the ability to enforce that. Secondly, the Albany Pine Bush Preserve Commission generated the concern and we will have to seek their comments on that.

Chairman asked about the parallel driveways.

Mr. Costa explained the driveways and how they will come out of the town right-of-way and that there will be just one curb cut to Old State Road.

Chairman asked if there is anybody here who would like to address the proposal and there were none.

Chairman entertained a motion to close the public hearing, so moved by Michael Cleary and seconded by Paul Caputo and carried by a 6-0 vote by the Board.

Chairman explained that we need to know what are you going to present to us as far as the boundaries. How they are going to be marked and how are you going to propose to restrict it. Our gut reaction is a conservation easement, but we will leave that up to the attorneys to decide on what is the best course of action to insure that it is enforceable.

Terry Coburn would like to see it as a conservation easement.

Paul Caputo agreed with Ms. Coburn. I think that it is up to the lawyers.

Chairman stated: We will continue this for decision only

Chairman entertained a motion to continue the application for decision only, so moved by Thomas Robert, seconded by Michael Cleary and carried by as 6-0 votes by the Board.

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### **PAONESSA – Norfolk Street**

Chairman Feeney announced that this was a public hearing of a proposed 4-lot subdivision of 1.5 acres. Zoned R-10. Francis Bossolini presenting:

Richard Sherwood, Counsel, read the Legal Notice as follows:

The case of the Tom Paonessa will be continued on Wednesday, November 9, 2011  
At 7:30 p.m. at the Guilderland Town Hall, Route 20, Guilderland, New York 12084  
for the purpose of obtaining final plat approval for an unnamed subdivision.

Such subdivision is proposed as four lots cut from 1.5 acres.

The general location of the site is at the southwest corner of Monroe Avenue and  
Norfolk Street.

The property is zoned: R-10  
Tax Map # 63.12.-2-50

Plans are open for inspection, by appointment, at the Planning Department during  
normal business hours.

Dated: October 18, 2011  
Stephen Feeney, Chairman, Planning Board

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
PAONESSA – Norfolk Street

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Paonessa - Norfolk Street

This is a hearing on the final plat of a proposed 4 lot subdivision. An additional 9 lots  
are proposed in the Town of Bethlehem. I have the following comments:

- Drainage is an issue as there are areas of standing water just to the west of  
the property. The applicant is showing private dry wells on each property,  
which the Town has said is adequate.
- Grading has been shown and a SWPPP has been submitted.
- Both Guilderland and Bethlehem officials have met on this matter and  
agreed to how the water and sewer improvements would be resolved,  
including a new sewer main along Monroe Avenue and Norfolk being  
widened.
- Street addresses must be shown of the final signature plat.
- A TDE should be appointed to inspect the installation of any new  
infrastructure.

No objection to final approval.

Francis Bossolini representing: This is a continuation of the previous presentation for this  
4 lot subdivision that straddles the town line of Bethlehem and Guilderland. Within the  
Guilderland portion there are 5 lots all of which are compliant with the R-10 zone.

The site is served by public utilities and there will be a small improvement to the sanitary sewer to allow connection of the 3 lots that are on Woodscape Drive. We will have some drywells on site to address any additional stormwater runoff that would come from the proposed buildings.

There are wetlands located to the west of these lots that were identified. A portion of the adjacent project in the Town of Bethlehem contemplated wetland impacts, and we received authorization from the Army Corps of Engineers for those impacts. The only real connection here is that a small portion of those wetlands that are on these lots will be deed restricted to preserve the wetland areas that are on this lot. That is a deed restriction.

Chairman wanted to know if that language is in the files.

Mr. Bossolini was not sure. If not, we can provide that.

Mr. Bossolini further explained that we did have a lot of discussions with the staff, and the Superintendent of Water Department, Bill West, about the utilities and understand that they are satisfied with it all. Before we can file, the Albany County Health Department must approve the water and the sewer improvements.

The Highway Superintendent had also looked at it and had some issue with the road. They would like to bring the road similar to Bethlehem standards so that it will be consistent with what is being established in Bethlehem.

Chairman asked for any other comments from the Board and there were none.

Chairman asked for any comments from the audience.

Tim Roske, 32 Norfolk Street, was concerned about the removal of trees and what that would do to the absorption of the water since we have flooding already. I have concerns about where all this water is going to go and concerns about changing our street into a thru-street that is on the Bethlehem side.

Chairman asked if there are any water or sewer utilities changes that would affect Mr. Roske property.

Mr. Bossolini said no changes. Our proposal is to maintain the profile of Norfolk Street the way it is and we are proposing to put in dry wells to help get the water into the ground.

Chairman asked to address the grading and utility sheet.

Terry Coburn asked if you could promise Mr. Roske that he will not have any more water impacts.

Mr. Bossolini explained: The expectation is that we are not going to shed any more water on the east side of Norfolk Street than what is already there or perhaps a little less. We can readjust the paving.

Thomas Robert wanted to know if you have dug some test pits.

Mr. Bossolini said yes we have. They were consistent all the way through between 7 and 9 ft.

Chairman asked about the location of clearing of trees across from Mr. Roske's property.

Mr. Bossolini explained that the lots are 265 ft. deep in that section and our grading plans shows disturbance about half way back, and there will be no disturbance within the restricted area.

They took 10 ft. of the easement from the applicant for drainage purposes. They told the applicant that they would be planting additional trees. Part of what we have proposed at the rear of the lots that about the thruway, is a construction of a berm to screen out any thruway noise. Also, fencing will be installed along the boundaries of the preservation areas for the marking.

Chairman noted for the record that there is a letter from NYSDEC, Water Quality Certification, dated February 28, 2011 and part of the letter read as follows: The project will involve impacts to 0.16 acre of federally regulated wetlands. As mitigation for the proposed impacts, a deed restriction will be secured for the remaining 0.85 acre of non-impacted wetlands and 0.14 acre of upland buffer.

The restrictive covenants referenced in Condition #3 shall be filed and recorded with the Albany County Clerk's Office prior to the lots being legally transferred to another party or prior to commencing any construction, whichever comes first. (Letter on file)

Chairman referenced the GCAC comments, dated August 4, 2009 and the Albany Planning County Board referral comments, dated January 21, 2010. (On file)

Chairman added: My understanding is that the Town Staff has met and was satisfied with sewer and water infrastructure, and the highway superintendent was satisfied with what was proposed.

Chairman entertained a motion to close the hearing, so moved by Paul Caputo, seconded by James Cohen and carried by a 6-0 vote by the Board.

Chairman made a motion for SEQR Determination in the matter of Paonessa – Norfolk Street, that:

In Accordance with Section 8-0113, Article 8 of the New York Environmental Conservation Law, this Agency has conducted an initial review to determine whether the following project may have a significant effect on the environment and on the basis of the review hereby finds:

The proposed project will not have a significant effect on the environment and therefore does not require the preparation of an Environmental Impact Statement. This determination is based on a careful review by the Planning Board, and the review of the full environmental assessment form submitted by the applicant and information contained therein, and by the comments of the Guilderland Conservation Advisory Council, and submission and review of the SWPPP to the Town's satisfaction, and the compliance with the Nationwide Permit requirements from the Army Corps of Engineers.

The motion was seconded by Thomas Robert and carried by a 6-0 vote by the Board.

Chairman was willing to make a motion for final approval for the four-lot subdivision on Norfolk Street with the following conditions:

- Town Highway Superintendent approval
- Town Water & Wastewater Superintendent approval
- Albany County Health Department approval (with building permit application)
- \$1,500.00 per dwelling unit – Park & Recreation Fund (with building permit application)
- \$2,085.00 per dwelling unit – sewer mitigation fee (with sewer hook-up application)

The motion was seconded by Michael Cleary, carried by a 6-0 vote by the Board.

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#### **MARINI – 109 Willow Street**

Chairman Feeney announced that this was a concept presentation of a proposed 3-lot subdivision of 2.4 acres. Esther Marini presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:  
Marini - 109 Willow Street

The applicant has applied to cut two building lots off the front of his 2.4-acre parcel. The existing house is located toward the rear of the site and the front is flat and wooded.

The proposed lots meet the minimum zoning requirements for this R15 district, they have access to public utilities and there are no sight distance issues. However, it should be noted that this summer the applicant, along with others along Willow Street, signed a petition to the Pine Bush Commission stating that the removal of trees had caused the water table to rise causing wet basements. Some test pits made be necessary to determine if this is a problem for the new lots and whether a note to this effect should be shown of the final plat. Also, a clearing and grading plan should be included with the final submission. No objection to concept approval.

Chairman stated that there is a letter from Christopher Hawver, Albany Pine Bush Preserve Commission, dated June 1, 2011, in regards to many Willow Street area homeowners have been impacted by the rise in the water table due to the change in the hydrology from the result of the Pine Bush removing trees, etc. They have a petition of 12 homeowners who has been impacted by the rise of the water table. (On File)

Another letter from Albany Pine Bush Preserve Commission dated November 3, 2011, in regards to their preliminary comments. (Letter On File)

Vincent Marini presenting: What we are looking to do is to make two parcels that meet the R-15 zone on both sides of the property. There will be 100 ft. frontage and going 150 ft. back for the two lots. Both lots will allow access to the current structure and the setbacks will be in compliance with the town regulations.

Chairman stated: From the letters in the file and their comments, it seems like the principle issue out there is ground water. Are basements being flooded in the area right now? The applicant and others along Willow Street signed a petition to the Pine Bush Commission stating that the removal of trees had caused the water table to rise. Has there been any sort of test pits on the property and do you know where the ground water is?

Mr. Marini explained that based on the topographical maps that I have seen, the water table is the highest towards the back of the property and then goes into the Pine Bush area, and not towards the Willow Street area where we are proposing the two lots in the front.

Chairman stated that our biggest concern would be having two more houses and two full basements. Is this going to impact any of the neighbors?

Mr. Marini explained that my understanding is that from the information that I have is that the ground water is towards the back of the property and not towards the Willow Street area where we are looking to propose the two lots in the front.

Chairman stated: I have no problem with the concept approval for two lots, but before we go into any preliminary and final approval we will be looking for test pits on the site and information as to the depths of the ground water.

Ms. Weston added: I think what we are asking for is that when you come back for final approval, you will have that all surveyed and have someone do a couple of test pits in those building envelopes just so that we know where the water table is.

Chairman asked if there were any comments from the audience and there were none.



Chairman stated: We will move forward with the concept and the request is that the applicant provides us with the location of the building envelopes along with test pits and some information and data on the levels of ground water.

Chairman asked for a motion for concept approval for this 3-lot subdivision, so moved by Terry Coburn and seconded by Thomas Roberts and carried by a 6-0 vote by the Board.

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#### **SERAFINI – 1949-69 Western Avenue**

Chairman Feeney announced that this was a site plan review to allow construction of an additional 8-unit apartment building at the Serafini Village apartment complex.

Zoned MR. Angelo Serafini presenting.

Jan Weston, Town Planner, read the comments of the Planning Department as follows:

Serafini - 1949 Western Avenue

The applicant has applied for a special use permit to construct an additional 8-unit apartment building at the existing Serafini Village complex. The building is proposed to be located on the western side of the Route 20 entrance where a small vacant sliver of land will be annexed to the apartment property. I have the following comments:

- The two parcels that comprise the current development are approximately 6.6 acres with 92 units, or a density of about 14 units per acre. This was apparently within the zoning regulations at the time it was built. Adding the additional .7 acre parcel and 8 units will bring the density down marginally.
- The proposed building will have 8 units but only 7 parking spaces are proposed.
- There is an existing drainage pipe and easement that runs under the proposed building, with a note that this line will be removed. Some documentation from the Town should be submitted that they are giving up that easement.

I have no objection to the construction of an 8-unit apartment building on this site, with the annexing of the additional land. However, I do think that the plan should be designed to include the required 12 parking spaces to accommodate residents and guests.

Angelo Serafini presenting: We would like to construct an additional 8 unit, 1 bedroom apartment building at the existing Serafini Village complex. It is located on the western side of the Route 20 entrance. The parking will be to the front of the building and the rear of the building will be towards Western Avenue. A berm landscaped area will be constructed. We have existing water and sanitary sewer and storm sewer lines already in the project and will not need to be expanded.

The storm sewer currently is in place and we will be adding a sidewalk that will go from Western Avenue back into the project about 200 ft.. We have submitted an overall site map that shows the ingress and egress to the project and throughout the project to show traffic.

Mr. Serafini further explained the parking and the traffic access. Also, the new building will be built straddling the property line between two parcels and the parcels will be merged.

Chairman stated: My only question really is what's the sidewalk terminus. Is there a more logical place to terminate that internally to the site? I would leave that to you to propose a more logical terminus for the sidewalk.

Mr. Serafini explained about the existing drainage pipe and easement that runs under the proposed building, with a note that this line will be removed. If the Town stills want to keep the easement it will not affect us. It doesn't extend to Western Avenue. The Highway Department verified that it is not needed.

Terry Coburn wanted to know if you have space to expand if you need more parking.

Mr. Serafini stated that he would have to reconfigure certain areas if need be.

Mr. Serafini also explained the trash collection.

Chairman added that you would have to provide landscaping plan and the location of the dumpsters.

Chairman made a motion to approve and recommend this site plan in the matter of Serafini, 8-unit apartment building, with the following conditions:

- Identify a logical internal site terminus for the sidewalk.
- Identify location of dumpster to serve new building.
- Provide detailed landscaping plan.

The motion was seconded by Michael Cleary and carried by a 6-0 vote by the Board.

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Chairman Feeney entertained a motion to adjourn, so moved by Terry Coburn, seconded by Thomas Robert, carried by a 6-0 vote by the Board.

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MEETING ADJOURNED: 9:00 P.M.

**TOWN OF GUILDERLAND  
PLANNING BOARD**

**November 9, 2011**

**GIARDINA – 3131 Old State Road**

**PAONESSA – Norfolk Street**

**MARINI – 109 Willow Street**

**SERAFINI – 1949-69 Western Avenue**